

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER MYERS,

Defendant.

NO. 2:15-CR-00045-JLQ

ORDER RE: MOTION FOR
RECONSIDERATION

BEFORE THE COURT is the Government's Motion for Reconsideration (ECF No. 17). On October 6, 2016, the court issued an Order denying expedited hearing on the Motion and allowed Defendant the opportunity to respond to the Motion and Order. (ECF No. 19). The court detailed the inordinate delay in this matter. (ECF No. 19). In response, Defendant, through counsel, filed a 31 page Motion to Dismiss (ECF No. 20) alleging due process and Sixth Amendment violations. In the Motion to Dismiss, Defendant acknowledged the Interstate Agreement on Detainers Act ("IADA") does not apply to Defendant, a state pretrial detainee. (ECF No. 20 at 13). Oral argument on the Motion to Dismiss is set for December 7, 2016, at 11:00 a.m.

Although Motions for Reconsideration are not granted absent highly unusual circumstances, the court finds the instant Motion for Reconsideration should be granted. *See Kona Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). The parties agree the IADA does not apply to state pretrial detainees, and there is no dispute Defendant is currently a pretrial detainee on his state charges. *See U.S. v. Reed*, 620 F.2d

1 709, 711 (9th Cir. 1980). The concerns previously expressed by the court regarding the
2 Government's delay in arraigning Defendant and moving this case forward are still
3 present. Granting reconsideration on the IADA issue has no impact on any of the
4 arguments presented in the pending Motion to Dismiss.

5 **IT IS HEREBY ORDERED:**

- 6 1. The Government's Motion for Reconsideration (ECF No. 17) is **GRANTED**.
- 7 2. The Order re: Interstate Agreement on Detainers Act (ECF No. 7) is
8 **RESCINDED**. The Act does not apply to Defendant who is presently a state
9 pretrial detainee.

10 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order and furnish
11 copies to counsel.

12 Dated this 4th day of November, 2016.

13 s/ Justin L. Quackenbush
14 JUSTIN L. QUACKENBUSH
15 SENIOR UNITED STATES DISTRICT JUDGE
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